Department of the Navy

PHYSICAL EVALUATION BOARD

Maj George Opria

Topics

Introduction to the PEB

- Organization & Mis
- Case Processing Fl

PEB Procedures

- Death Imminent Pe
- Fitness vs. Suitability
- Combat Related

Take Aways

- **Disability Evaluation System**
- **Our business is your business**
  - **–Taking care of Sailors and Marines**
  - **–Taking care of the mission/resources**
- **Performance Based System**
- **Every ailment (diagnosis) is NOT a disability**
- **Admin Sep possibly appropriate**
- **Disability Compensation Not a**

The Physical Evaluation Board

- Organization
- Mission

Ass't Sec Navy
M&RA
William Navas

Director
NCPB
Col Culver, USMC

Pres, Phys Evaluation Board
Mr. Williamson

Pres, Clem & Parole Board
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Pres, Disch Review Board
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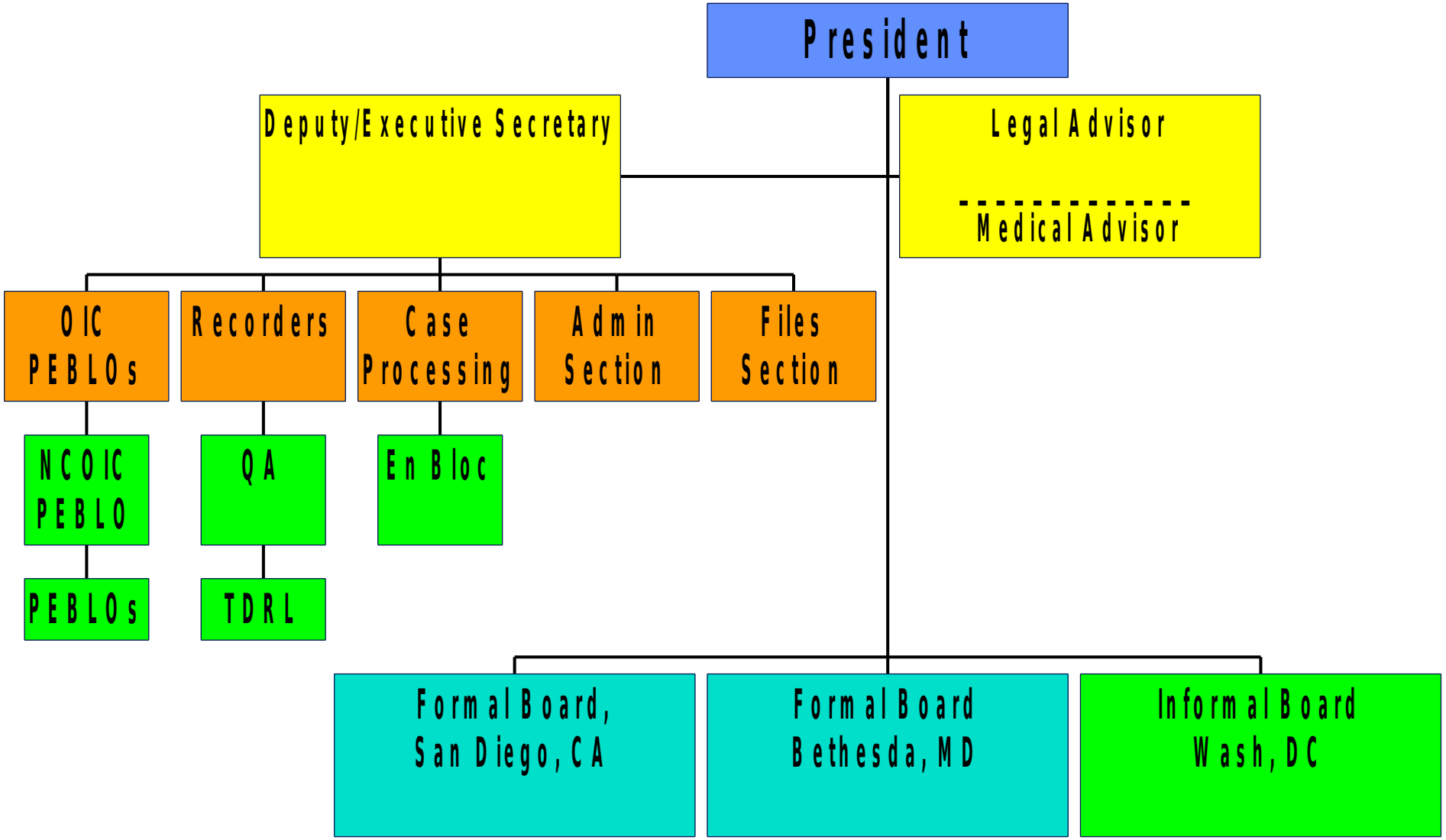
Head CRSC Branch

PEB Organization



PEB Mission_

- **To determine service member's fitness for continued naval service**
- **To rate members whose injuries or diseases are determined to be disabilities and were incurred or aggravated while in receipt of basic pay**
- **To ensure member's right to a full and fair hearing**

Primary References

- **DODINST 1332.38/39**
- **SECNAVINST 1850.4E - DoN DES**
- **VASRD - Ratings_**
- **MANMED - Chap 15 (Physical Exams) & 18 (Med Boards)**
- **BUMEDINST 6320.79 - TDRL Evals**
- **www.hq.navy.mil/ncpb**

www.hq.navy.mil/ncpb/

Physical Evaluation Board

"***The mere presence of a diagnosis is not synonymous with a disability***"
SECNAVINST 1850.4E, para 1001.h

Thank you for visiting the *Physical Evaluation Board* web page, where active duty and retired Sailors and Marines may obtain information about the Department of the Navy (DON) Disability Evaluation System (DES). *The PEB acts on behalf of the Secretary of the Navy to make determinations of fitness for duty for active and reserve members of the DON, entitlement to disability benefits, disability ratings, and disposition of cases referred.*

Associated References

- **MILPERSMAN 1910-120**

- **MCO P1900.16 (SEPS MANUAL)**
- **MCO P1070.12J (IRAM)**
- **BUMEDINST 1300.2 (Suitability Screening)**
- **MARADMIN 017/00 (MCBUL 1850)**

The Physical Evaluation Board

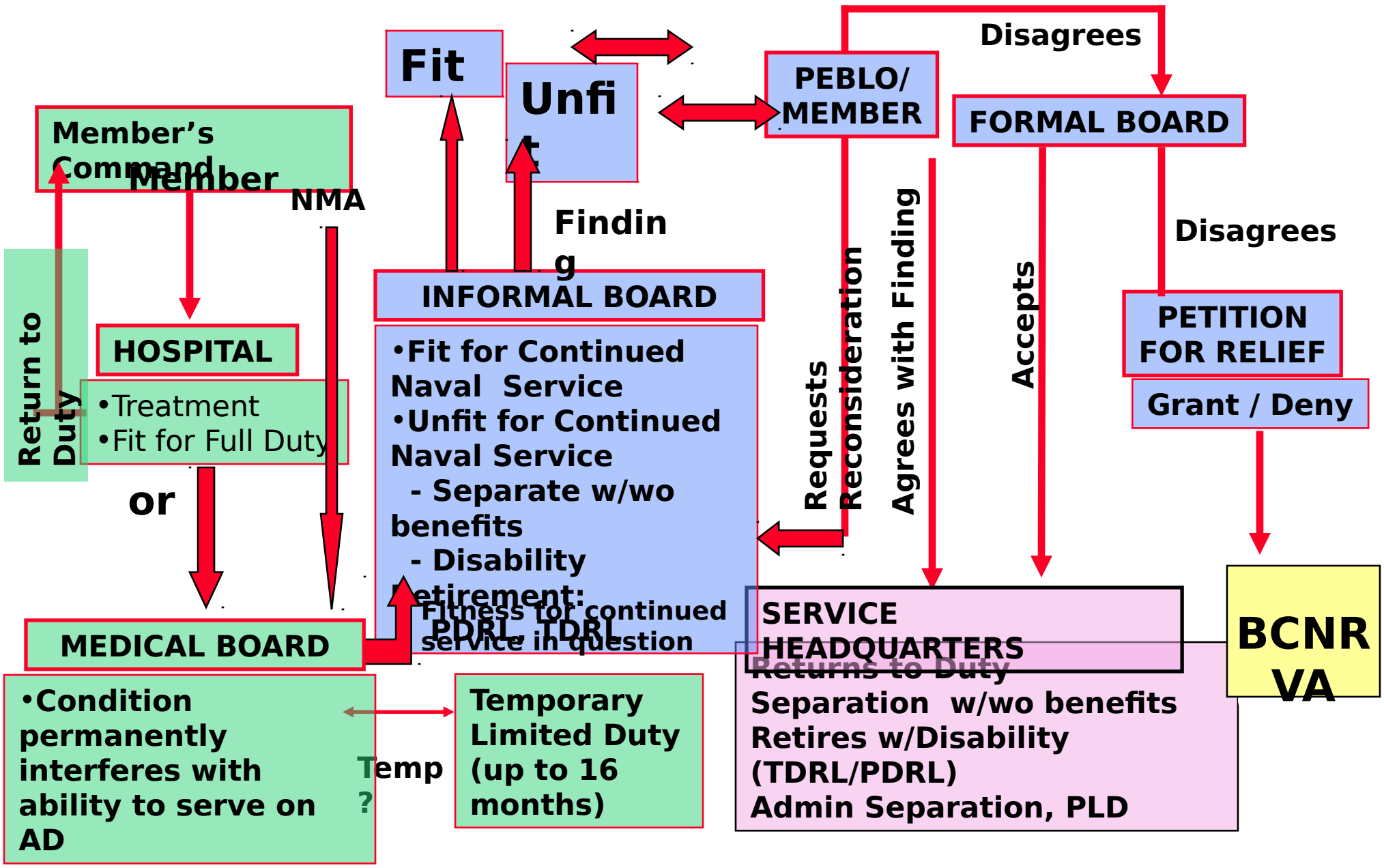
How does the PEB work?

and

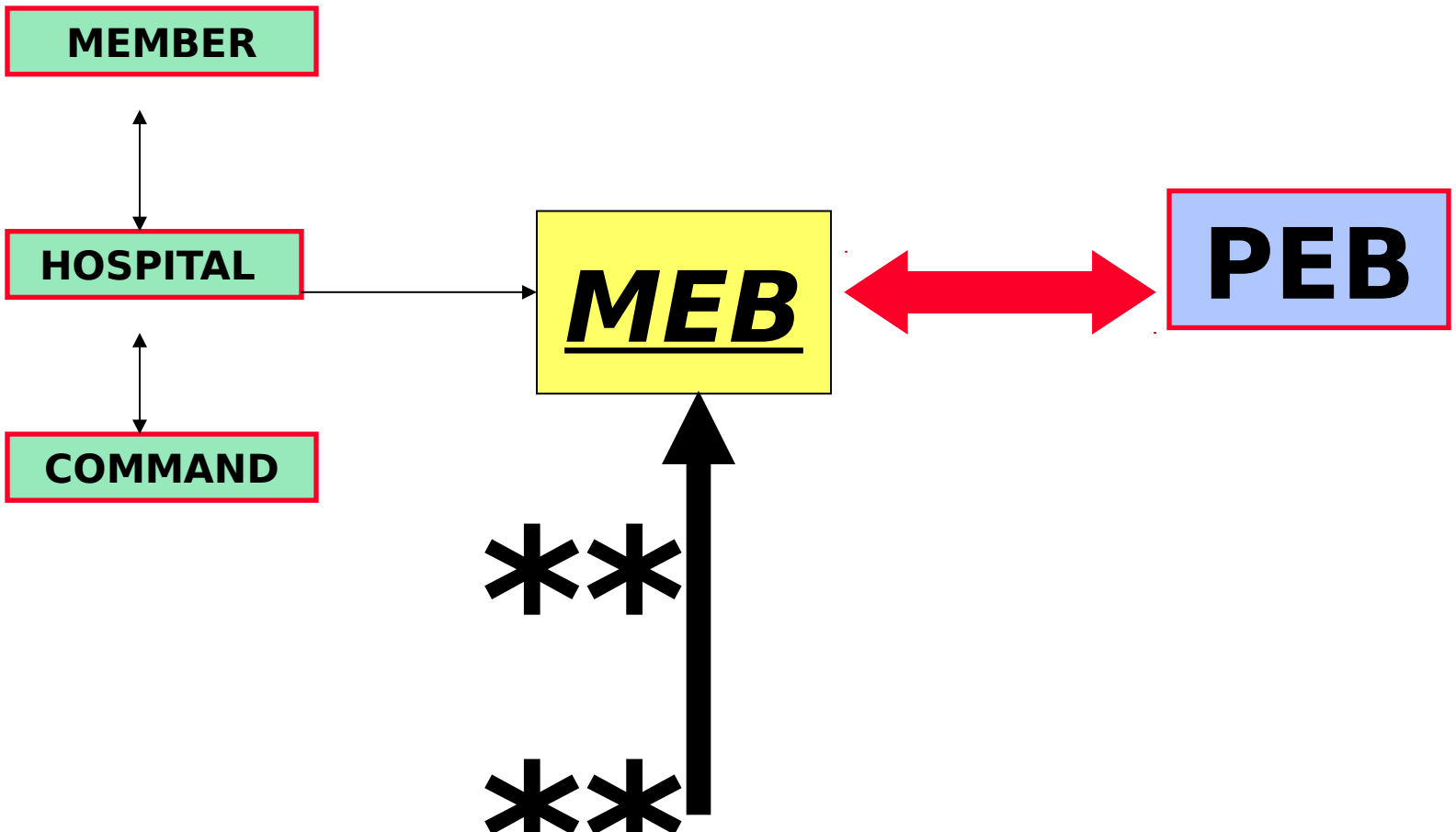
Why does it take so long?

Case Processing Flow

Case Processing Flow



The Physical Evaluation Board



PEB Medical Board

Required Contents:

- Cover sheet signed by MTF Convening Authority (SF6100/1)
- Dictation signed by two physicians (3 if member incompetent - Psychiatrist req'd)
- All studies and consults
- SF 88/93 (Physical Examination)
- Non-Medical Assessment
- LODI/LODD
- NOE for reservists

blue = command responsibility

Non-Medical Assessment (NMA)

Performance Based System

- **Impact of medical condition on job performance**
- **Specific observations**
- **Detailed description**

SECNAVINST 1850.4E, Enclosure 11

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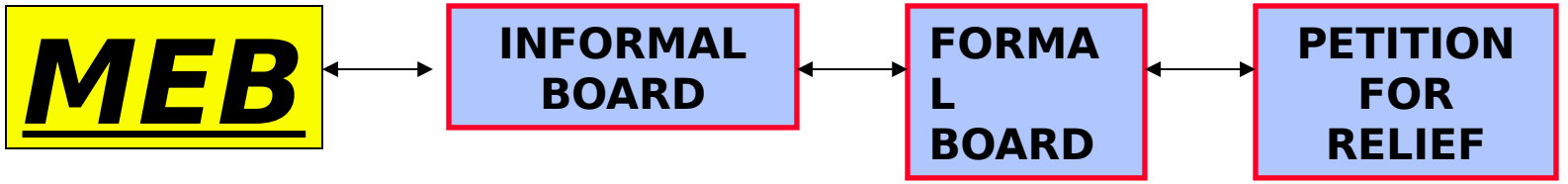
[http:neds.nebt.daps.mil/Directives/1850_4e.pdf]

The Physical Evaluation Board

*PEB Accepts the MEB_*

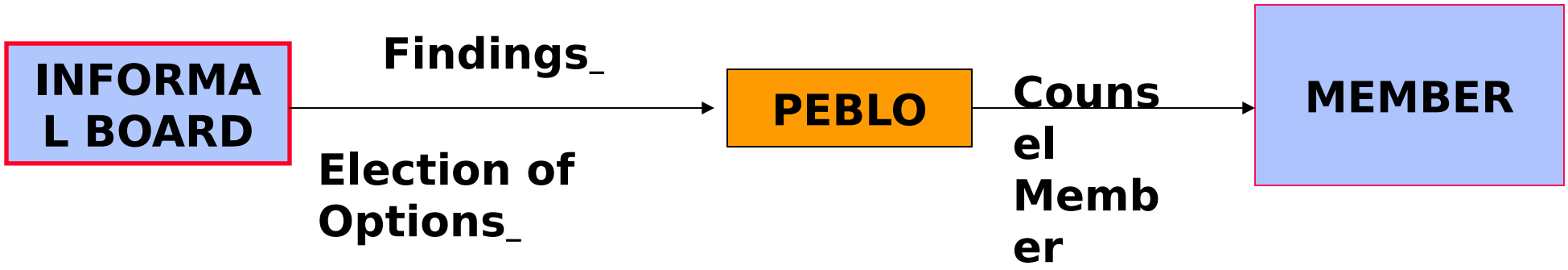


Informal Board

- **Composition:**
  - **One Physician (O-5/O-6)**
  - **One Navy line officer (O-5/O-6)**
  - **One Marine line officer (O-5/O-6)**

- **Functions:**
  - **Evaluate fitness for duty**
  - **Validate line of duty determination**
  - **Assign VA code(s)/Determine disability percentage**
  - **Assign Disposition Code**
  - **Make combat related determination**
  - **Issue preliminary findings letter**

The Physical Evaluation Board



Physical Evaluation Board Liaison Officers

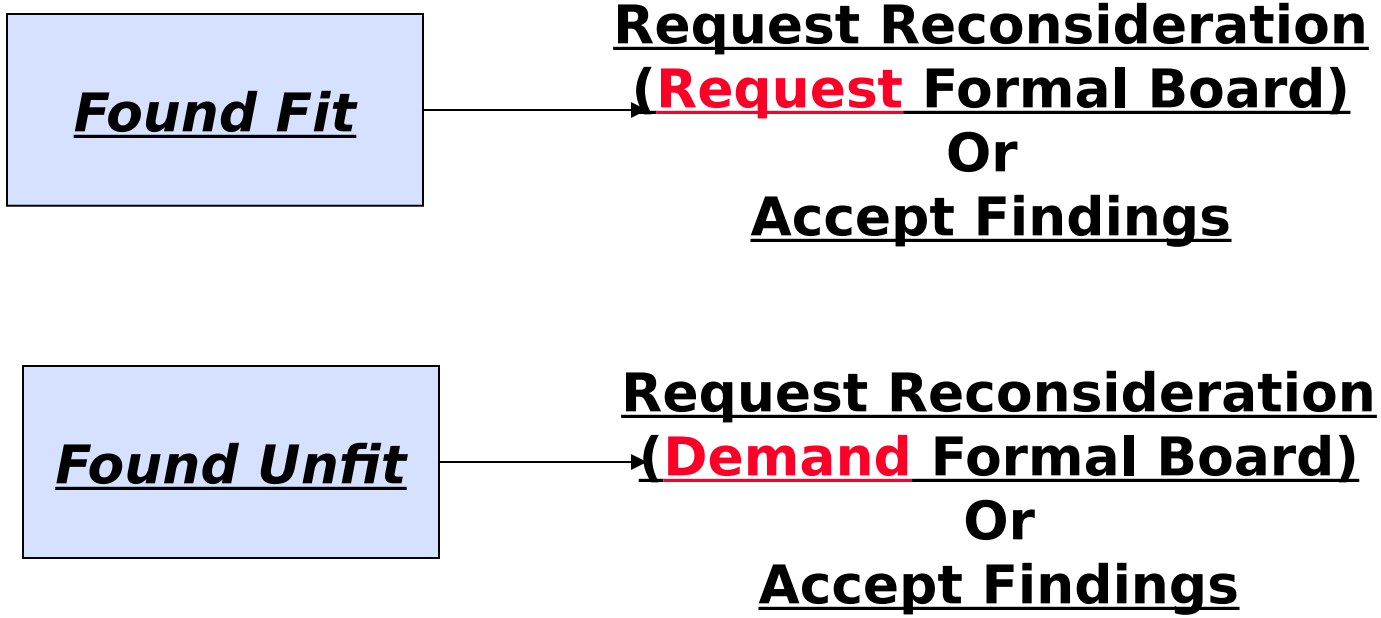
- Field representatives of the PEB
- Assigned or appointed to duty at each Navy MTF
- Service member’s point of contact
  - DTAP briefings
  - PEB findings
  - Counseling on options

COUNSELING

- **PEBLOs**
  - **Member's POC for liaison with external agencies**
  - **Provide advice on the significance and consequences of PEB determinations and associated rights, benefits, and entitlements**
  - **Relationship with member is continuous**
  - **Does not replace the chain of command!**

The Physical Evaluation Board

*Options on Informal Board Findings_*



Election of Options

Member has 15 calendar days to elect his/her options

- **Accept preliminary findings of informal PEB**
- **If found FIT - request reconsideration/request formal hearing**
- **If found UNFIT - request reconsideration/demand formal hearing**

No response within 15 days = PEB presumes acceptance

Request for Reconsideration

- **Member disagrees with finding**
- **Must include new medical information**
- **Request forwarded to informal board**
- **If found FIT after reconsideration, there is no right to a formal hearing**
- **If request for formal hearing is denied, findings become final**
- **If no change after UNFIT, reconsideration, member may DEMAND a formal hearing**

Formal Board

Composition

- One Physician (O-5/O-6)
- One Navy line officer (O-5/O-6)
- One Marine line officer (O-5/O-6)

Functions

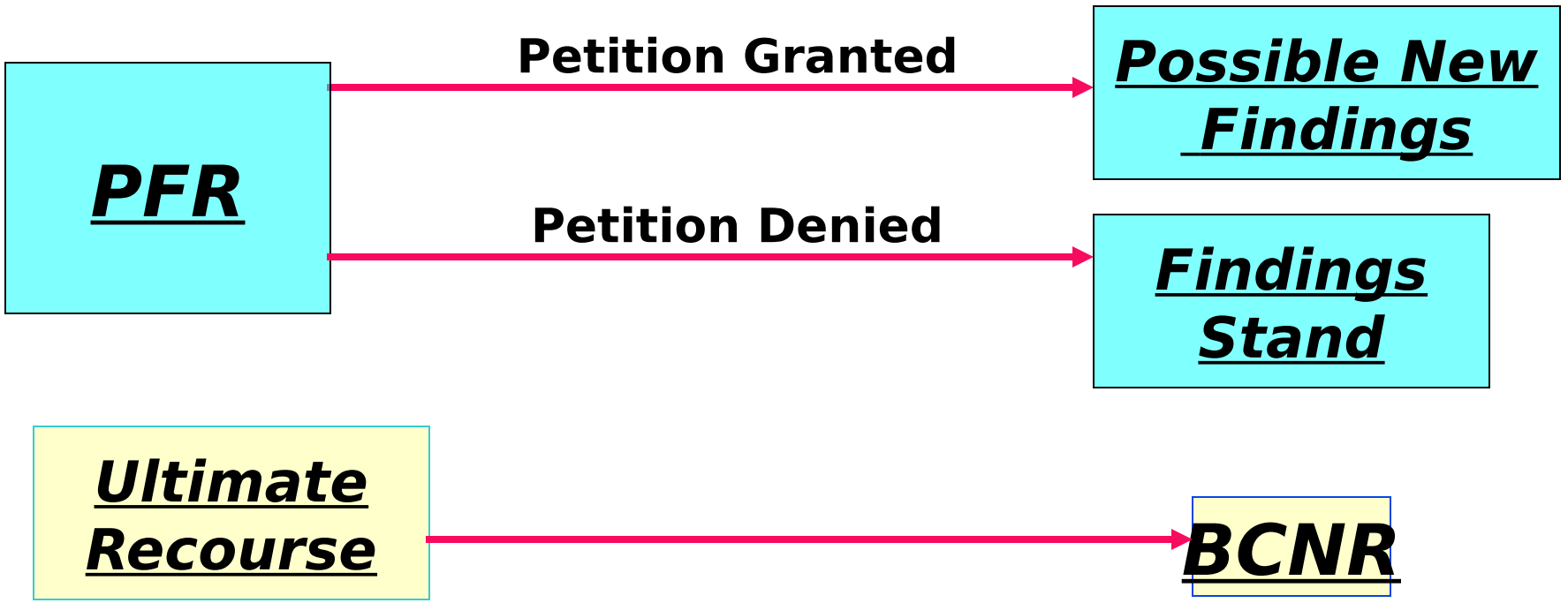
- Evaluate fitness for duty
- Validate line of duty determination
- Assign VA code(s)/ Determine disability %
- Assign disposition code
- Make combat related determination
- Recommend findings with rationale

Formal Board

- **Located at San Diego and Bethesda**
- **Member may appear in person**
- **Member represented by counsel**
- **President, PEB conducts legal & QA review on the results of the Formal Board**
- **Findings Letter Issued**

Physical Evaluation Board

Formal Board **Not Satisfied with Formal Board Determination?**



Petition For Relief

Justification for PFR

- New or newly discovered evidence
- Fraud, misrepresentation or other misconduct
- Mistake of law

Finalized Case

- Sent to BUPERS/CMC for discharge or return to duty

Dissatisfied with ruling ?

- Contact BCNR or VA

The Physical Evaluation Board

How Long Will A PEB Take?

&

What Compensation Will I Receive?

Average Case Processing Time

MEMBER → **HOSPITAL**

30 days light duty

8-16 months limited duty

MEDICAL BOARD

1 month board dictation

INFORMAL BOARD

40 days from receipt of the MEB

FORMAL BOARD

90 days from receipt of the Findings

PETITION FOR RELIEF

45 days from receipt of PFR

Case Example
LCpl Smith

Sprains ankle at morning PT **1 Jul 01**
Receives 30 days light duty

Diagnosed with Stress Fracture **1 Aug 01**
Placed on 6 months limited duty

Stress Fracture develops **1 Feb 02**
into break. Requires surgery
And additional 6 months limited duty

Surgery heals but continued **1 Jul 02**
pain and physical limitations
Dr. dictates MEB for PEB

Case Example
LCpl Smith

Hospital completes MEB Sends to PEB	**1 Sep 02**
PEB receives MEB	**1 Oct 02**
PEB rejects MEB for Insufficient NMA (no CO's comments)	**15 Oct 02**
Hospital sends new NMA	**30 Nov 0**
MEB Accepted by PEB	**10 Dec 0**

Case Example LCpl Smith

PEB finds member UNFIT 10% **20 Jan 0**

Finding delivered to LCpl Smith **25 Jan 0**

LCpl Smith requests Reconsideration/demands Formal wants 50% **10 Feb 0**

Board reconsiders with new medical evidence, No change in findings. **20 Feb 0**

Case Example
LCpl Smith

Formal Board hearing date	**15 May**
Formal Board Finds Unfit 20%	**15 May**
Findings reviewed by President PEB and sent to LCpl Smith	**5 Jul 03**
LCpl Smith Accepts Findings	**20 Jul 0**
LCpl Smith Separated	**1 Oct 03**

26 Months total

Permanent Limited Duty

- **Member must be found Unfit by the PEB**
- **Member continues on active duty with appropriate limitations**
- **Member must first accept PEB findings**
- **Final approval from Service HQ only**

Disposition & Compensation

Less than 20 years service and disability rating less than 30%.

Separate

Less than 20 years service and disability rating greater than 30%.

TDRL or PDRL

Greater than 20 years service and disability rating.

TDRL or PDRL

Pay

Member rated 30% or greater (TDRL/PDRL)

- **Minimum pay equal to 30%, Maximum 75%**
- **30, 40, 50% rating = 50% of base pay while on TDRL**
  - **PDRL at 30 or 40% = 30/40% base pay**
- **60, 70% rating = same % of base pay**
- **80 thru 100% rating = 75% of base pay (max allowed by law)**

TDRL

- **Unstable condition**
- **Statutory limitation of 5 years (can be finalized at anytime)**
- **Service Headquarters responsible for issuing orders/monitoring 18 month periodic evaluations**
  - **Member’s pay may stop under certain conditions (missing periodic evaluations)**

TDRL Disposition

- **Member can be:**
  - **Retained on the TDRL**
  - **FIT**
  - **Separated w/severance pay, or**
  - **Assigned to the Permanent Disability Retired List (PDRL)**
- **Change in status? Member can REQUEST Reconsideration and/or DEMAND a Formal PEB**

PEB Administrative Procedures

- Death Imminent
- Fitness vs Suitability
- Combat Related

Death Imminent Policy

- **2004 Defense Authorization Act included language allowing for "Child Only" election of SBP with an active duty death thereby eliminating the significant difference that previously existed between active duty death and a retiree death.**

- **Memorandum of 23 Dec 2003 from the Under Secretary of Defense rescinded the authority to process Imminent Death retirements.**

FITNESS VS SUITABILITY

Fitness vs Suitability

- **Fitness: Fit to continue Naval Service based on evidence which establishes member can reasonably perform duties of his/her office, grade, rank or rating. "Mere presence of a diagnosis is not synonymous with a disability."**

SECNAVINST 1850.4E, article 2033

- **Not necessarily in their specialty or MOS/NEC**
- **May NOT be Fit For FULL Duty**

Fitness vs Suitability

- **Suitability: "… meets all requirements for an overseas, remote duty or operational assignment." BUMEDINST 1300.2, encl (1), pg 6**

- **PEB Fit finding does not mean member is suitable for:**

  - Deployment - PRT/PFT Participation

  - Special Duties (flying, parachuting, diving, subs)

- **A PEB Fit finding does not preclude:**

Administrative Separation

Not punitive in nature when Separated at Convenience of Government

WHY ADMIN SEP IS NOT A PUNISHMENT

- **HONORABLE / GENERAL / ENTRY LEVEL**
- **SEPARATION PAY IF MORE THAN 6 YEARS**

- **“CLEAN” DD 214**

  (Narrative Reason “Condition - Not a Disability”)

- **NO EMPLOYMENT PROBLEMS (due to disability)**
- **MBR CAN STILL GO TO THE V.A. FOR**

MEDAL WITH ONE BRONZE STAR;

14. MILITARY EDUCATION *(Course title, number of weeks, and month and year completed)*

NONE;

15.a MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM	Yes	No	15.b HIGH SCHOOL GRADUATE OR EQUIVALENT	Yes	No	16. DAYS ACCRUED LEAVE PAID
		X		X		25.5

17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION — Yes: X — No:

18. REMARKS

MEMBER PLACED IN CLASS 2 DENTAL STATUS. MEMBER HAS EXECUTED A CLAIM FOR COMPENSATION, PENSION OR HOSPITALIZATION, TO BE FILED WITH V.A. DISABILITY SEVERANCE PAY AUTHORIZED AND PAID IN THE AMOUNT OF $705.60

19.a. MAILING ADDRESS AFTER SEPARATION *(Include Zip Code)*

19.b. NEAREST RELATIVE *(Name and address...include Zip Code)*

20. MEMBER REQUESTS COPY 6 BE SENT TO TA DIR. OF VET AFFAIRS — Yes: X — No:

22. OFFICIAL AUTHORIZED TO SIGN *(Typed name, grade, title and signature)*

21. SIGNATURE OF MEMBER BEING SEPARATED

SPECIAL ADDITIONAL INFORMATION *(For use by authorized agencies only)*

23. TYPE OF SEPARATION	24. CHARACTER OF SERVICE *(Include upgrades)*	
DISCHARGED	HONORABLE	
25. SEPARATION AUTHORITY	**26. SEPARATION CODE**	**27. REENTRY CODE**
MILPERSMAN 3620270 & PERS 2200132 NOV 91	JFL	RE-3P

28. NARRATIVE REASON FOR SEPARATION
PHYSICAL DISABILITY

29. DATES OF TIME LOST DURING THIS PERIOD
TL: 93APR29-93MAY27; 93SEP08-93SEP10

30. MEMBER REQUESTS COPY 4 — Initi

DD Form 214, NOV 88 S/N 0102-LF-006-5500 Previous editions are obsolete

Admin Sep - Navy

Admin Separation: Navy

- **Initiated by member or command**
- **Based upon "medical condition not amounting to a disability"**
- **Documentation from Medical Officer confirms that condition exists which prevents member from performing duties but is not a disability**

Admin Sep - USMC

Administrative Separation: USMC

- **Initiated by command only**
- **Based upon medical condition (not a disability) which interferes with duties; confirmed by Medical Officer**
- **Notification and counseling IAW applicable directives must be accomplished before initiating process**

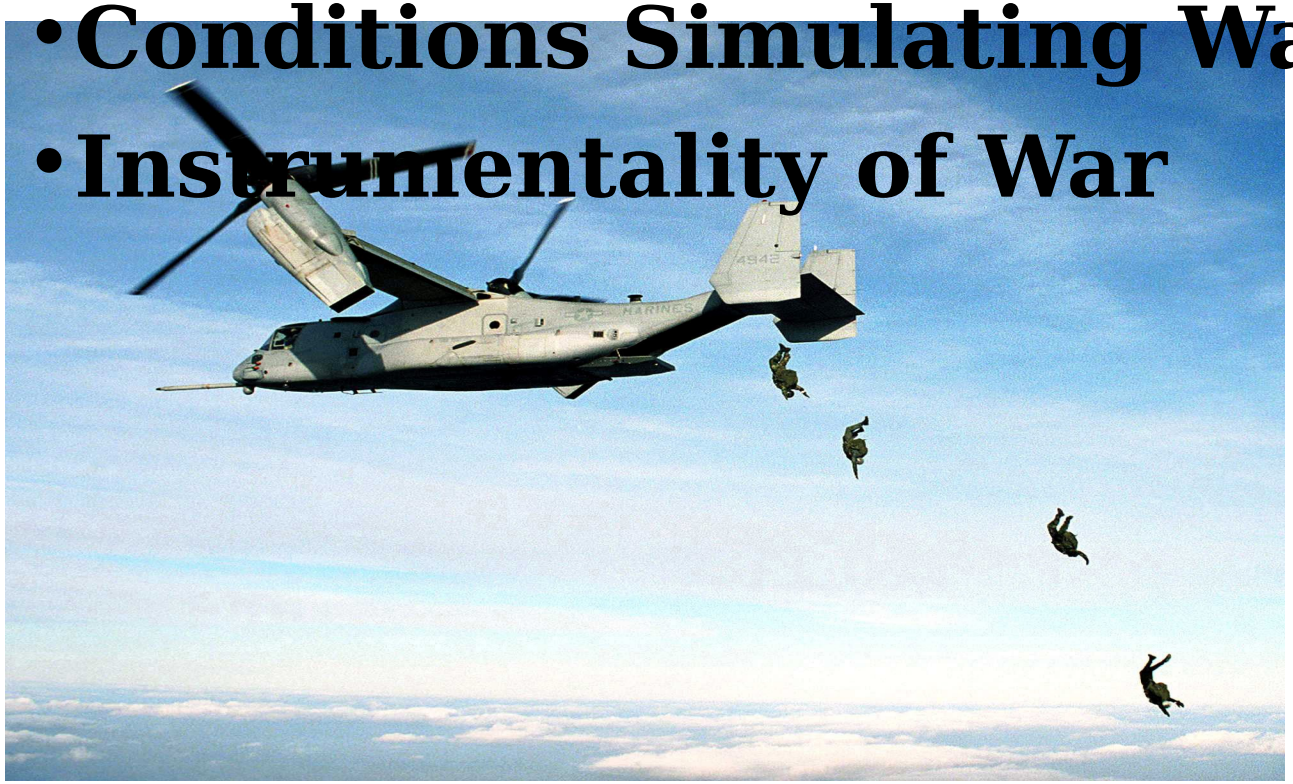
Ref: MCO P1900.16, Ch 6, para 6203.2,

Final Reviewing Authority

- **Appropriate service headquarters - final reviewing authority POC's**
  - **BUPERS (PERS-821) (Seps & Retirement)**
    POC: CPO Franklin DSN 882-3201
    Comm (901) 874-3229
  - **BUPERS (PERS-814B) (Admin Seps)**
    POC: Mrs. Fry DSN 882-3272
    Comm (901) 874-3272
  - **CMC (MMSR-4)**
    POC: Capt Feeks DSN 278-9308
    Comm (703) 784-9308

Combat Related

- **Direct Result of Armed Conflict**
- **Engaged in Extra Hazardous Service**
- **Conditions Simulating War**
- **Instrumentality of War**



PEB Points Of Contact

DSN: 325-XXXX Comm: 202-685-XXXX

MP. Williamson, President, PEB

Major Opria USMC, OIC PEBLOs (6422)

Capt Summers, OIC Recorders (6426)

HMC(FMF) Weidman, HM2 Pullman (6426/6427/6089) - Recorders

Questions ?